IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

MISC. CIVIL APPLICATION NO.08 OF 2006

Jyoti S. Deshmukh ...Applicant

Versus

S.R.Deshmukh ...Respondent

Ms Smita Gaidhani for the Applicant.
Shri V.S.Talkute for the Respondent.

CORAM : ABHAY S.OKA, J.
DATED : MARCH 16, 2007.

P.C.:

1. Shri Talkute appearing for the Respondent states that the amount of costs has been paid in terms of order dated 07th March, 2007.

2. The Applicant is the wife and the Respondent is the husband. Prayer in this Application is for transfer of a Petition for restitution of conjugal rights filed by the Respondent against the Applicant in the court of the Civil Judge Senior Division at Satara. The prayer is for transfer of the said Petition to the Family Court at Mumbai on the ground that the Applicant is a permanent resident of Mumbai.

3. The Applicant has stated in the Application that she does not have any facility of overnight stay at Satara. She has stated that she has to undertake

journey for five to six hours for reaching Satara from Mumbai by bus. The Applicant has stated that she has joined L L.B course in Mumbai. She has stated that due to employment of her father, he is unable to accompany her to Satara. An affidavit has been filed by the Applicant of her father in which he stated that the Respondent has taken a job at Pune and he alongwith his parents have shifted to Pune.

4. Shri Talkute appearing for the Respondent opposed the prayer for transfer. He stated that this Court had granted him time to deal with the affidavit filed by the Applicant’s father. He stated that the Respondent has not come forward to file any further affidavit though he has personally intimated to the Respondent about affidavit of the Applicant’s father.

5. There does not seem to be any dispute that the Applicant is a resident of Mumbai. It is stated that the Applicant has jointed a law college. The Applicant has stated that the company of her father is not available to her for travelling upto Satara as a result of employment of her father as a driver. The statement made in the affidavit of the Applicant’s father that the Respondent has now shifted to Pune has remained unchallenged. Thus, the Respondent is no longer a

resident of Phaltan. In view of the aforesaid circumstances, a case is made out for passing following order of transfer.

6. Hence, I pass the following order:

(i) Hindu Marriage Petition No.01 of 2006 pending in the Court of the learned Civil Judge Senior Division at Satara is hereby transferred for hearing and final disposal to the Family Court at Bandra, Mumbai.

(ii) Writ of this order to be forwarded immediately to the concerned Court.

(iii) The concerned Court at Satara will forward the Record and Proceeding of the case to the Family Court at Mumbai within a period of two weeks from the date of receipt of writ of this order.

(iv) Application is disposed of in above terms.

JUDGE